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ORDER SHEET

CS/486/2002
IA No. GA/4/2005 (Old No. GA/3995/2005)

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

M/S. INDIA MEDIA SERVICES PVT. LTD.
-VS-
NEWSPRINT TRADING & SALES CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA
Date : 13th September, 2021.
[Via video conference]

Appearance:
Mr. Domingo Gomes, Adv.
Mr. Debangshu Dinda, Adv.
Ms. Komal Shaw, Adv.

Mr. A. P. Agarwal, Adv.

The Court : Upon hearing learned counsel appearing for the plaintiff, it appears that the dispute between the parties on account of goods sold and delivered, is a commercial dispute as defined under Section 2(1)(c)(xviii) of The Commercial Courts Act, 2015. This would further be evident from the value of the suit which is Rs.42.7 crores. Although the advocate-on-record of the defendant no.3 takes an objection to the prayer for transfer of the suit to the Commercial Division by reason of the prayers claimed in the plaint, this Court is of the view that the fact which is to be seen is whether the dispute between the parties is a commercial dispute as defined under the 2015 Act. Decisions of this Court in *Swadha Builders Pvt. Ltd. & Ors. -vs- Nabarun Bhattacharjee & Ors.* in CS 390 of 2014 and *Ladymoon Towers Private Limited –vs- Mahendra Investment*

Advisors Private Limited in CS 99 of 2020 further assist the counsel appearing for the plaintiff in allowing the prayer.

CS 486 of 2002 along with all connected applications shall accordingly be transferred to the Commercial Division of this Court.

The plaintiff, however, will be liable to pay costs which will reasonably be assessed at Rs.20,000/- to be paid to Bharat Sevasram Sangha within a fortnight from date for the unexplained and admitted delay on the part of the plaintiff to take any steps to have the suit thus transferred from 2017 onwards when the Commercial Division was constituted in this Court.

The advocate-on-record of the plaintiff shall be at liberty to take appropriate steps.

(MOUSHUMI BHATTACHARYA, J.)

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